

I. Introduction

In late 1996, the U.S. Fish and Wildlife Service (Service) initiated a planning process aimed at evaluating the feasibility of restoring and preserving approximately 21,953-acres of land located directly adjacent to the Necedah National Wildlife Refuge (Refuge)(Figure 1). The planning process, which was done in association with the Refuge's Comprehensive Conservation Plan, included a thorough review of opportunities and issues related to fish and wildlife resource management by the Service in that area, as well as an assessment of roles the Service might take in achieving its mission, that of the National Wildlife Refuge System, and resource objectives for the Great Lakes-Big Rivers Region. The planning process was initiated in response to the declining status of numerous Service trust resources in the area and interest among diverse stakeholders within the area and the region.

The Yellow River Focus Area spans roughly 25 miles north and south by 2-3 miles east and west. The project represents a unique opportunity for the Service to protect rare and declining bottomland forest and adjacent upland habitat for the benefit of migratory birds, threatened and endangered species, public recreation, and environmental education. Species of federal concern in the area include the eastern massasauga rattlesnake (the area contains one of only five remaining massasauga populations in Wisconsin), Blanding's turtle, cerulean warbler, and Karner blue butterfly. The red-shouldered hawk, acadian flycatcher, yellow-crowned night heron, sedge wren, prothonotary warbler, and Louisiana waterthrush, each of which falls within various state categories of concern, are also found there. Several species exhibiting significant population declines are present during the breeding season, including the veery, wood thrush, and golden-winged warbler. The Refuge has already received two sizable grants to provide technical assistance to private landowners in the area. In the past two years alone, 121 landowners owning 17,308 acres in the Yellow River Focus Area have received technical assistance from the Service in managing their lands. Interest in preserving this important natural area is high.

To document the evaluation of potential impacts relative to expanding Service acquisition tools and Refuge programs into the Yellow River Focus Area, an environmental assessment (EA) was prepared by the Service (Service). In addition, an economic impact assessment was also completed. Table 1 illustrates land cover types found within the Yellow River Focus Area.

TABLE 1 Current Land Cover Types in the Yellow River Focus Area	
Land Cover Type	Acres
Open Landscapes (grasslands, savannas, shrub land, old fields, agricultural lands)	2,593 acres
Coniferous Forests	483 acres
Mixed Deciduous and Coniferous Forests	1,329 acres
Broad-leaf Deciduous Forests	3,909 acres
Emergent Wetlands and Wet Meadows	1,847 acres
Forested Wetlands	10,259 acres
Lowland Shrubs	1,485 acres
Open Water Areas	45 acres
Total all cover types in the Yellow River Focus Area	21,953 acres

II. Threats to and Status of the Resources

The Yellow River is one of the few remaining high-quality northern flood plain forests in central Wisconsin. Silver maple, swamp white oak, green ash, and river birch are the dominant trees within the flood plain. Low sandy ridges, slightly higher than the flood plain, support white oak, bur oak, shagbark hickory, and white pine. The highest of these areas were once oak and pine savannas, one of North America's most endangered habitat types, with only .02% of its pre-Columbian extent remaining.

Because the habitat types in the Yellow River Focus Area are rare and declining, many of the species that use those habitats are rare and declining as well. Species of federal concern found within the focus area include the Karner blue butterfly, eastern massasauga rattlesnake, Blanding's turtle, and cerulean warbler. The red-shouldered hawk, Acadian flycatcher, yellow-crowned night-heron, sedge wren, prothonotary warbler, and Louisiana waterthrush are species of state concern found in the Yellow River Focus Area. The area is home to game species such as white-tailed deer, wild turkeys, and a variety of waterfowl.

The Yellow River provides quiet, undeveloped land for recreational activities such as hunting, canoeing, fishing, hiking, and wildlife observation. These activities also provide a source of income for the surrounding communities. The Yellow River is home for people who desire a rural lifestyle with plenty of space for activities such as gardening and quiet evening walks. It also supplies timber, water, and land resources that provide additional income for many residents. In recent years, the Yellow River Focus Area has seen a significant influx of people. The areas quiet surroundings and abundant wildlife attract people from all parts of Wisconsin and Illinois. Many of the larger tracts of land surrounding the forested wetlands associated with the river and its floodplain are being broken up into smaller tracts and sold to seasonal residents. Abundant hunting opportunities also draw people to the area. Currently there are 230 landowners in the 21,953-acre Yellow River Focus Area.

III. Proposed Action

The Service is proposing to facilitate the restoration, preservation, and management of up to 21,953 acres of land within the Yellow River Focus Area (Figure 1) through a combination of voluntary partnerships, easements, and fee-title acquisition of lands (see attached CCP).

IV. Protection Alternatives

This section outlines and evaluates three strategic alternatives for the restoration and preservation of approximately 21,952 acres of wetland, upland, and riparian habitats within the Yellow River Focus Area. See attached EA for a more detailed description of the alternatives.

Alternative 1:

Under Alternative 1, management direction at the Refuge relative to the Yellow River Focus Area would be guided by the 1979 Refuge Master Plan and subsequent step-down management plans (forest management plan and fire management plan). The Service would not seek realty interests in land and water within the Yellow River Focus Area. The Refuge would continue to offer landowners support through the Refuge's Partners for Wildlife program. The wetlands, uplands, plants, wildlife, and people of the area would continue to be impacted by the lack of a central management plan for the area, which may lead to residential and agricultural development in undesirable locations or proportions, unmonitored water quality changes, declines in quality recreational and aesthetic experiences, and declines in the economic value of the Yellow River to local communities. Waterfowl, sandhill crane, other waterbirds, songbirds, fish, and many resident wildlife species would likely decrease over time as habitat degradation occurred.

Unique plant communities could be degraded or lost due to conversion of additional wetlands to agricultural lands, namely cranberry production. Archeological resources would be offered little protection and subject to loss. Public use opportunities would be limited to private landowners, others with permission from landowners, and the general public on the public lands in the area.

Alternative 2:

Under Alternative 2, management direction at the Refuge relative to the Yellow River Focus Area would be guided by the 1979 Refuge Master Plan. The Service would not seek realty interests in land and water within the Yellow River Focus Area. In addition, the Refuge would not intensify and concentrate its Partners for Wildlife program in the area.

Under this alternative, the area would remain in private ownership. The wetlands, uplands, plants, wildlife, and people of the area would continue to be impacted by the lack of a central management plan for the area, which may lead to residential and agricultural development in undesirable locations or proportions, unmonitored water quality changes, and declines in quality recreational and aesthetic experiences, and declines in the economic value of the Yellow River to local communities. Waterfowl, sandhill crane, other waterbirds, songbirds, fish, and many resident wildlife species would likely decrease over time as habitat degradation occurred. Unique plant communities could be degraded or lost due to conversion of additional wetlands to agriculture, namely cranberry production. Archeological resources would be offered little protection and would be subject to loss. Public use opportunities would be limited to private landowners, others with permission from landowners, and the general public on the public lands in the area.

Alternative 3: (Preferred)

Under Alternative 3, management direction at the Refuge relative to the Yellow River Focus Area would be guided by the goals, objectives, strategies, and projects contained in the CCP and in a Yellow River Focus Area step-down plan. Under this alternative, the Service would seek to protect approximately 250 acres per year from willing sellers using outreach and technical assistance, cooperative management agreements, conservation easements, and fee-title purchase of lands, and donation from private parties, lease, or a combination of all methods, depending on site and circumstance. This alternative would facilitate restoration and preservation of wetlands, uplands, and riparian habitats for trust resources (assuming adequate funding). All acquisition of lands would be from willing sellers only, regardless of the type of interest. The Service land acquisition policy is to acquire the minimum interest necessary to reach management objectives.

Areas acquired in fee-title through donation or purchase would be owned by the Service and managed as units of the National Wildlife Refuge System - Necedah National Wildlife Refuge. Tracts in which an easement or lease is negotiated would remain in private ownership. Under any acquisition scenario, administration and management of the tracts would be done by the staff at Necedah National Wildlife Refuge. This alternative would be carried out on a tract-by-tract basis as land and funding become available over an undetermined period of time.

V. Alternative Preservation Tools

The alternative preservation tools proposed for the Yellow River Focus Area are fee acquisition, conservation easements, wildlife management agreements, and private lands extension agreements. Other acquisition methods that could be utilized by the Service include donations, partial donations, or transfers.

1. Wildlife Management Agreements

These agreements are negotiated between the Refuge Manager and a landowner that specify a particular management action the landowner will do, or not do, with his or her property. For example, a simple agreement would be for the landowner to agree to delay hayland mowing until after a certain date to allow ground nesting birds to hatch their young. More comprehensive agreements are possible for such things as wetland or upland restoration, or public access. These agreements are strictly voluntary on the part of the landowner and are voided if the property is sold.

As long as a landowner abides by the terms of the agreement, this protection can be effective in meeting certain preservation objectives. Unfortunately, because these agreements are voluntary and temporary, there is no long-term assurance the terms will continue to be met.

Direct Service costs for this alternative are generally low, but can add up to near fee or easement costs if the agreement is for several years. Staff time and administrative costs are relatively high since agreements must be monitored yearly and renegotiated when land ownership changes.

2. Leases

Under a lease agreement, the Service would negotiate with a landowner to receive use of the land or for some maintenance of the land in a given condition. Generally, the landowner would receive an annual lease payment. For example, the Service could lease 40 acres of grassland habitat to provide safe nesting for ground nesting birds. The landowner would not be able to hay or otherwise disturb the ground during the lease period.

Cost effectiveness of leases would vary depending on the length and payment terms of the lease. In many cases, the cost of a lease rapidly approaches the cost of outright purchase in a few years. Also, leases do not offer the long-term protection of habitat, and are more complex for the Service to administer than fee or easement because of the monitoring, coordination, and administration requirements.

3. Conservation Easements

With a conservation easement, the Service in effect purchases a specific interest from a private landowner. For example, the Service may purchase a wetland easement that protects a wetland from draining, filling, and burning. The landowner gives up his right to drain, fill, and burn, but no other land rights. The wetland may still be cropped, or hayed, as natural conditions allow.

An easement which is commonly used on refuges is a conservation or non-development easement. Typically, a landowner would agree to refrain from commercial, industrial, or residential development or other major alteration of habitat. The landowner may continue to use the land as before the easement and retains rights such as hunting, control of trespass, etc.

Easements are voluntary and purchased only from willing sellers. Payments for conservation easements are generally based on a percentage of the appraised value of the land and varies according to the use

restrictions imposed. Easements are most often perpetual and compensation is a one-time, up-front payment.

Easements can be useful when existing land uses of a tract within a refuge boundary is partially compatible with refuge purposes, and when the landowner desires to use the land for some compatible purpose. Examples of land uses that are normally restricted under terms of a conservation include:

- Development rights, both agricultural, commercial and residential.
- Alteration of natural topography.
- Uses negatively affecting the maintenance of plant and wildlife communities.
- Excessive public access and use; and
- Alteration of natural water level.

Depending on the type of easement, this option may be cost effective in meeting certain Refuge management purposes. If the easement is not perpetual, long term resource protection is not guaranteed. However, some easements may cost the Service so much (occasionally greater than 75 percent of fee value), that cost efficiency is compromised.

Easements are more difficult to manage than fee title transactions because of the monitoring, coordination, and administrative requirements. If a landowner fails to honor the easement contract, the Service must take steps to re-establish the terms of the contract.

In the short run, easements have more impact on the tax base of local municipalities than cooperative management agreements and leases. However, they have less impact in the short run on the tax base than fee-title acquisition. In the long run, Service acquisition of interest in Yellow River lands may be beneficial to the tax base of local municipalities because of increased desirability of land, increased access to land management services, and increased recreational opportunities.

4. Fee-Title Acquisition

A fee-title acquisition of land assures permanent protection of resources and complete control of lands necessary for things such as wetland development and water level control. All rights of ownership are transferred to the Service in fee title acquisition. Land is purchased only from willing sellers with offers based on fair market value appraisals. Some fee title acquisitions are accomplished through donation or exchange. Although initially the most costly for the Service, in the long run is easier to manage and plan for because the Service has complete control. Staff time is saved by not having to renegotiate terms for less-than-fee title arrangements.

In the short run, fee-title acquisition will have the greatest impact on the tax base of local municipalities of any alternative preservation tools. In the long run, Service acquisition of interest in Yellow River lands may be beneficial to the tax base of local municipalities because of increased desirability of land, increased access to land management services, and increased recreational opportunities.

VI. Coordination and Consultation

The Service publicly announced it was preparing a CCP for the Refuge in June 1997. Since that time, information about the planning project, as well as the Service's intent to evaluate the feasibility of restoring and preserving additional habitat in the Yellow River Focus Area, was provided to the public through news-releases, presentations, interviews, informational letters, and one-on-one briefings. Federal, state, local, and private entities were involved in the scoping process. More than 6,000 people were sent information on the Refuge CCP. This includes Wisconsin's Congressional Delegation, the U.S. Department of Agriculture, elected officials

representing Juneau and Wood County, Wisconsin Department of Natural Resources personnel, local governments, representatives of national, state, and local conservation organizations, neighboring landowners, and other interested publics. Public input was considered at all phases of the CCP planning process. All landowners within the Yellow River Focus Area were contacted. The Service held several meetings with Yellow River Focus Area landowners to discuss conservation strategies. The Service has met with nearly every landowner one-on-one in the project area. To date, 121 landowners collectively owning 17,308 acres have requested technical from the Service. Of these, 16 have signed long-term wildlife management agreements encompassing 1,233 acres of land in the Yellow River Focus Area. The Service coordinated its scoping effort closely, and corresponded frequently with many of the aforementioned entities, including Yellow River Focus Area landowners.

VII. Sociocultural Impacts

Restoration, preservation, and management of additional lands by the Service in the Yellow River Focus Area will affect to some degree the current lifestyles of individuals in and around the proposed project area, and the communities in the area. Landowners who choose to sell their land to the Service will be most affected. Owners of homes or farms who relocate will be reimbursed for moving expenses. Renters also receive certain relocation benefits, including assistance in finding suitable alternate housing that is affordable. Under certain conditions, some homeowners may be able to reserve a "life estate" on their homes, meaning they could remain in their homes for the rest of their lives after selling to the Service. This type of reservation does, however, reduce the amount paid for their homes. Other landowners who negotiate easements or other less-than-fee transactions may have to change certain land management practices in-line with conditions of the easement.

All land transactions will be purely voluntary in keeping with Service policy to purchase lands or rights only from willing sellers. The property rights of landowners who choose not to sell their land will not be directly affected by purchases around them since they will retain all right of landownership. The Service will always take into account the interests of adjacent landowners when managing acquired land.

Use of the Refuge and surrounding area will probably increase over current levels. This increased use, and thus traffic, may make some landowners uncomfortable. Lands in which the Service acquires a fee interest will eventually be open to public hunting, fishing, hiking, photography, canoeing, and other compatible refuge uses.

A comprehensive resource, facility, and public use management plan will be completed after a sufficient land base has been acquired in the area by the Service. This plan will be written with full input from the landowners and the general public to meet their needs and address their concerns.

VIII. Summary of Proposed Action

As described earlier, the Service proposes to restore and preserve up to 21,953 acres of wetlands, uplands, and riparian habitats within the Yellow River Focus Area by acquiring fee title, conservation easements, and private-lands extension agreements from willing sellers.

The following is a ranked list of priorities for protecting lands in the Yellow River Focus Area. This list will guide Service in choosing when and where to use the various available protection tools. The list includes criteria that would make a parcel of land subject to consideration for fee title purchase, although other protection tools would always be considered first.

This list will assure that the limited resources available to the Service and its partners are used in ways that efficiently and effectively promote desired outcomes in the Yellow River. It is also reflective of the Service's commitment to communicate clearly to Yellow River stakeholders and to be consistent and equitable in its interactions with Yellow River landowners.

High Priority Lands

- ? Eastern massasauga rattlesnake documented on parcel during most recent survey.
- ? Karner blue butterflies documented on parcel during most recent survey.
- ? Other federal or state listed species documented on parcel during most recent survey.
- ? Existing eastern massasauga habitat within 1 mile of a recent documented sightings (within the past 20 years) or existing populations.
- ? Existing Karner blue butterfly habitat within 1 mile in open landscape, or within 1/8 mile without open canopy corridor, of existing populations or recent documented sightings (within the past 5 years).
- ? Bottomland habitat associated with Algansee-Glendora soils.

Medium Priority Lands

- ? Restorable eastern massasauga habitat within 1 mile of recent documented sightings (withing the past 20 years) or existing populations.
- ? Restorable Karner blue butterfly habitat within 1 mile in open landscape, or 1/8 mile without open canopy corridor, of existing populations or recent documented sightings (within the past 5 years).
- ? Existing eastern massasauga habitat 1-3 miles from recent documented sightings (within the past 20 years) or existing populations.
- ? Natural heritage elements that are not covered by previously listed categories (e.g. federal or state listing), but have a global ranking of G3 or higher and/or with a state ranking of S3 or higher.
- ? Opportunities to manage habitat blocks ?160 acres in size.
- ? Opportunities to manage habitat blocks with contiguous upland and wetland habitat.

Low Priority Lands

- ? Opportunities to manage habitat blocks ?80 contiguous acres, but <160 contiguous acres.
- ? Other high quality fish and wildlife habitats or community types.